



IF YOU LOVE YOUR PET, PLEASE READ THIS.

What would happen to your beloved pet if something unfortunate happened to you?

Without proper planning, there is a very real chance that a beloved pet will be euthanized shortly after your death. From the perspective of the court, pets are treated as property - not loving companions. This means your pampered and spoiled cat, dog, bird, pig or other companion animal can easily end up on death row at the city pound if you suddenly died or suffered a decline in health and are no longer able to care for it.

“But I have a large family, my children will take care of my little Fluffy after I’m gone.”

Really? People tell themselves this every day, but the sad reality is that pets just like yours are euthanized in shelters every day and they didn’t walk in there on their own. These innocent animals are doomed to death simply because their owners assumed that a family member would do the right thing and take over pet care.

Though a very small number of these pets may be lucky to beat the odds and find a new home, this is rare. Most pets that find themselves in this situation, especially older ones or those who frighten easily around strangers, will not be chosen by prospective adopters. They may spend a brief period caged, frightened and confused until ultimately, they will be euthanized to make room for another unwanted pet. No one who loves them will be there to comfort them at the end.

It does not have to be this way for your pet. You can prevent this by taking certain steps to protect your pet while you are alive. How? Read on for ideas and suggestions to start you on your way to ensuring that your pet will live a full and happy life, even if you are no longer there for him or her...

Pets and Wills - What you Need To Know.

Putting pets in wills poses many problems. Even having your attorney include a pet in your estate plan may prove to be insufficient. To address this problem, many states have allowed Pet Trust Statutes, though they only relate to pets in wills. In theory, these statutes provide funds for a pet’s continued care; however, there are drawbacks that could have deadly consequences for your pet.

Pet Trusts written into wills:

1. *Are not enforced until the probate process is complete.* Depending on how long it takes to settle your estate, this could be months to years. Your pet will need help right away and may end up being euthanized long before your estate is settled.

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2. *Provisions for pets in wills are often overruled by probate courts, especially if amounts left for pet care seem ridiculous to other heirs.* Pets have no legal standing and if your will is contested, expect any provisions you have made for a pet to be at risk and subsequently, so will your pet's life.

3. *Some instructions specified in your will may not be legally enforceable.* Let's say you have left your beloved pet and some money for its care to your dear nephew. Unfortunately, there is nothing in the law that would prevent your nephew from pocketing the money and giving your pet a one-way ride to the pound after your estate is settled.

4. *Wills are for deceased persons, not someone in a coma.* They do nothing to help your pet if you are very ill, or otherwise unable to make decisions for yourself. Your pet's life could be in limbo because no one is authorized to act on your behalf or access funds for its care.

5. *While most states recognize pet trusts included in a will, not all do.* Though you may live in a state that recognizes pet trusts in wills, your wishes could be disregarded if you happen to die in a state that does not recognize such statutes.



ESTATE PLANNING TOOLS THAT DON'T LEAVE YOUR PET'S FUTURE TO CHANCE...

Including a pet in your will can be ineffective or pose problems for continuation of care. Better options are the Freestanding Pet Trust and The Pet Protection Agreement (PPA).

THE FREESTANDING PET TRUST:

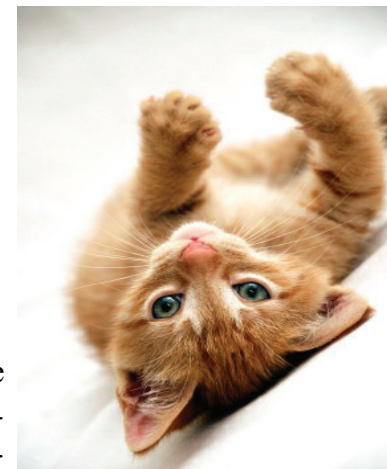
This is a pet trust that is not included in your will, but is a stand-alone trust. This is probably the best method of ensuring your wishes for your pet are fulfilled. However, they are generally more complex and require an attorney to prepare. The cost of a Freestanding Pet Trust could range from \$1000 to \$2000 depending on your needs. Additionally, you need to fund such a trust when it is created. It is important that you find an attorney who is experienced in animal law issues and pet trusts to draft this type of document.

THE PET PROTECTION AGREEMENT:

This is a simpler, but still effective document intended for the do-it-yourselfer. The Pet Protection Agreement (PPA) was created by Rachel Hirschfeld, a New York attorney who specializes in animal law. The PPA requires the signature of both the pet owner and the guardian (the person who has agreed to care for the pet if the owner cannot) and ensures continuity of care for the pet. The PPA may be completed without the help of an attorney, using a form that can be downloaded from LegalZoom.com for a nominal fee.



SOME ADDITIONAL THINGS TO CONSIDER AS YOU PLAN FOR YOUR PET...



Whether you choose a Freestanding Pet Trust, a Pet Protection Agreement (PPA) or other effective, legal pet document to accomplish the goal of making sure your pet will be safe in the event you are no longer able to care for him or her, there are a few more things to consider:

- **WHO OWNS THE PET?** If you have family that lives with the pet, for the purposes of any estate planning, clarify that you are the pet's legal owner. Have any other family members acknowledge this in your pet document. This may prevent any arguing about who legally gets possession of your pet, and presumably, any funds left for its care. Don't let your pet become a pawn in a longstanding family feud or allow someone to use your pet as a tool of revenge against you or other family members. As unpleasant as it is to imagine, these things happen all the time, especially if money is involved.
- **INCLUDE AS MANY SUCCESSOR PET GUARDIANS AS POSSIBLE.** Time will pass and things may change for both you and anyone who has agreed to act as your pet's guardian. Perhaps that person has died or now finds they are too ill to take over the responsibility of caring for your pet when they are called upon to do so. What if they now live in a condo or apartment that doesn't allow pets? Or, have a new spouse or child that is allergic, or claims to be? There is nothing in the law that would force them to honor their promise, nor would you want them to. This is why it is prudent to identify back-up or *successor guardians*. To safeguard your pet, find other trusted friends or family who would step up if your primary guardian is unable or unwilling to serve. Successor guardians do not have to sign your agreement, but it is wise to have them do so, if only to make sure they fully understand their commitment.
- **CONSIDER AN ANIMAL RESCUE ORGANIZATION AS A SUCCESSOR GUARDIAN.** Do your homework and choose the organization carefully. Make sure it's mission, policies and facilities would be a good match for your pet. Many shelters and sanctuaries, including Hearts That Purr Feline Guardians, have guardian programs specifically for this purpose or to act as a primary guardian for those who do not have trusted family or friends willing to assume this role. These programs will guarantee a place for your pet when the times comes, but generally require an enrollment fee and some form of monetary donation or estate gift prior to taking in your pet.
- **INCLUDE SEVERAL METHODS TO CONTACT EACH POTENTIAL GUARDIAN.** These may be land-line and cell phone numbers, email and street addresses, work number and address, etc. The more you have the better the chances are that your pet guardian will be contacted quickly. Remember, you may make the best pet care plan in the world, but it will be useless to save your pet if your designated pet guardian can't be reached because he or she moved or changed their phone number and forgot to tell you. In this same regard, make it easy for any authorities who might enter your home during an emergency to know that you have a pet and who to call regarding its care. Post a notice on your refrigerator or keep a card in your wallet with all pertinent information. This could prevent authorities from confiscating your pet and keeping it caged at the pound until next-of-kin is notified. If no one comes forward to claim your pet after the time prescribed by law, it will either be put up for adoption or euthanized. Neither being the outcome you planned so diligently to avoid.
- **MAKE SURE YOUR PET DOCUMENT INCLUDES ALL OF YOUR PETS.** Include any new pets you may acquire after the document is completed in case you forget to make revisions in the future. List and describe all your pets, but also include the phrase "all my pets" and "this includes any other animals I may own at the time of my death."

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SOME ADDITIONAL THINGS TO CONSIDER AS YOU PLAN FOR YOUR PET...

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- **INCLUDE A POWER-OF-ATTORNEY AND EMERGENCY FUNDS.** This may help the person you have chosen to care for your pet after you die, to immediately step into your shoes and assume that role if you are hospitalized or otherwise incapacitated. They'll need such authority to access your home, pet, its food, medicine, toys, veterinary records, etc. It is also a good idea to set aside a small bank account specifically for this purpose to enable your pet's guardian some money to cover your pet's immediate expenses while awaiting your recovery, or should you not survive, a disbursement from your estate. This foresight can be especially helpful if you are incapacitated for a long time. It can also be useful after you have died, especially if your will is contested or there is some delay in settling your estate. Taking in your pet, whether it is temporary or permanent, should not be a burden on your designated guardian. If it is, your pet will be at risk.
- **PREPARE A PET DOSSIER.** It may seem silly, but this information will be incredibly valuable to your pet's guardian. No one knows your pet like you do, so take the time to prepare detailed care instructions that will help your pet's guardian know as much about your pet as possible. List things your pet likes and dislikes. Make sure you include information about your pet's health or any special food or medications it needs. Also include contacts for your pet's groomer, sitter, veterinarian, etc. This familiarity may help your pet better cope with your absence and the change of its home, so he or she may go on to live the full and happy life you intended.
- **CONSIDER ADDING A "NO CONTEST" CLAUSE.** You cannot legally leave money directly to your pet. If you intend to leave a significant amount for the care of your pet, you should consider including what is called a "no contest" clause. This clause affects other beneficiaries and will delete their share of your estate in the event they contest your wishes with regard to your pet. Let's face it, there is not going to be much sympathy for Auntie Rose when her family learns she left the bulk of her fortune to her pot-bellied pig!

***DISCLAIMER:** The information provided herein was compiled from a variety of sources and experiences for the purpose of providing insight to the various problems that can occur, and options pet owners now have for protecting any pet that outlives them. It should not be considered expert advice, as we are cat lovers, not lawyers or accountants. However, we do hope that you will think about how to protect your own pet and seek professional guidance on this very important, but often overlooked responsibility of pet ownership.*



OUR MISSION:

Providing shelter and loving care for felines made homeless due to the terminal illness, incapacitation or death of their owners; and

Educating the public about the importance of planning for the ongoing care of all their beloved companion animals should a time come when they are no longer able to do so themselves.

Hearts That Purr Feline Guardians is a 501 (c)(3) nonprofit, cat rescue organization. Donations are tax-deductible to the fullest extent allowed by IRS code. Contact us for more information at: (520) 297-3780
P.O. Box 36418, Tucson, AZ 85740-6418 ~ www.heartsthatpurr.org ~ heartsthatpurr@outlook.com